

From: [Grueterich, Sophie](#)
To: [Sirak, Reed](#); [Zalud, Eric](#)
Cc: [Clark, Jacqueline](#)
Subject: RE: Waxman CBI Transmittal
Date: Wednesday, May 4, 2022 3:21:00 PM

Reed and Eric,

I wanted to notify you that, because the five-day period below has passed, we will be sending the documentation contained in Waxman's responses to EPA's requests for information dated April 8, 2021 and August 3, 2021 to Industrial Economics. Because I have not received a signed waiver from you, and have not heard from you following the below emails and the voicemail I left for Reed on April 26, we will be sending them in hard copy.

Best Regards,
Sophie

From: Grueterich, Sophie
Sent: Wednesday, April 20, 2022 9:09 AM
To: Sirak, Reed <RSirak@beneschlaw.com>; Zalud, Eric <ezalud@Beneschlaw.com>
Cc: Clark, Jacqueline <clark.jacqueline@epa.gov>
Subject: RE: Waxman CBI Transmittal

Hi Reed and Eric – I just wanted to follow up on the CBI waiver outlined below. Please let me know if you have any questions you'd like to discuss.

Thank you!
Sophie

From: Grueterich, Sophie
Sent: Tuesday, April 12, 2022 2:22 PM
To: 'Sirak, Reed' <RSirak@beneschlaw.com>; 'Zalud, Eric' <ezalud@Beneschlaw.com>
Cc: Clark, Jacqueline <clark.jacqueline@epa.gov>
Subject: RE: Waxman CBI Transmittal

Reed and Eric – my apologies, those dates should have been April 19, 2022 for any comments, and April 20, 2022 for the release of records.

Thank you,
Sophie

From: Grueterich, Sophie
Sent: Tuesday, April 12, 2022 2:20 PM
To: Sirak, Reed <RSirak@beneschlaw.com>; Zalud, Eric <ezalud@Beneschlaw.com>
Cc: Clark, Jacqueline <clark.jacqueline@epa.gov>

Subject: Waxman CBI Transmittal

Dear Reed and Eric,

Thank you for talking with me briefly today. This email provides you with written notice that in order to determine the costs delayed or avoided through the alleged violations, the amount of profit gained from the sales of the unregistered product, and analyze the civil penalty in this case, EPA plans to provide the documentation contained in Waxman's responses to EPA's requests for information dated April 8, 2021 and August 3, 2021 to EPA's expert economists who are under contract. The contract is with Industrial Economics, Incorporated (Cambridge, MA) under Contract GS-10F-0061N, Order# 68HE0H18F1498. The release of Waxman's records is being handled in accordance with 40 CFR Part 2, Subpart B. All released documents claimed as confidential business information will be protected from disclosure by the contractor. Please provide any comments by **April 16, 2022**, as we plan to release your records to Industrial Economics on **April 17, 2022**.

Further, because this information was collected under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), we are requesting that you agree to a limited waiver of your Confidential Business Information (CBI) claim. In order to determine the costs delayed or avoided through the alleged violations, the amount of profit gained from the sales of the unregistered product, and analyze the civil penalty information, we would like our financial analyst contractor, Industrial Economics (IEc), to evaluate your financial documents. IEC is authorized to review CBI documents under FIFRA but our current CBI policies do not establish how the documents can be transmitted and handled in electronic form. Because of this, we would like you to agree to the following procedures:

- EPA sends IEC (and possibly an IEC subcontractor) the financial documents electronically over EPA's secured File Transfer Service. The communication will be password protected.
- Upon receiving the documents, the IEC analyst (and possibly an IEC subcontractor) downloads on a hard drive which meets the NIST moderate security standards.
- IEC (and possibly an IEC subcontractor) will develop their analysis in a separate document and will store that information on a hard drive that meets the NIST moderate security standards.
- IEC (and possibly an IEC subcontractor) will transmit their analysis to the case team over EPA's secured File Transfer Service. The communication will be password protected.
- Upon resolution of the enforcement matter, the case team will inform IEC that the case is complete and IEC (and possibly an IEC subcontractor) will delete respondent's financial documents and IEC's analysis containing respondent's financial information.

If you agree to these procedures, please print this email, sign below, scan the signed version, and email the signed version to the case team. Also, by signing below, the signatory certifies to the following: "I understand that I may be subject to prosecution under federal and/or state law should I provide any information that is not true, correct, and complete to the best of my knowledge. I am authorized and empowered to act on behalf of the claimant."

Signature

Date

Printed Name

Position and Relationship to Respondent

Thank you,
Sophie

Sophie Grueterich

Assistant Regional Counsel
U.S. Environmental Protection Agency, Region 5
77 W. Jackson Blvd.
Chicago, IL 60604
[she/her]

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